REMARKS

Claims 1-3, 6, 7 and 10-17 are currently pending in the present application. Claim 5 has been cancelled herein. Claims 1 and 6 have been amended and new claim 17 has been added. Support for the present claim amendments may be found in the specification, at least, at page 7, line 27; page 10, lines 4-9 and page 13, Reference Example 1. No new matter has been added by way of the present claim amendments.

Rejections Under 35 U.S.C. § 103 – Obviousness

Claims 1-3, 5-7, 10, 13 and 14 stand rejected under 35 U.S.C. 103 as being rendered obvious by Park et al. (hereinafter "Park") in view of WO 93/06117 to Wands et al. (hereinafter "Wands"), Suzuki et al. (hereinafter "Suzuki") and Takemoto et al. (hereinafter "Takemoto").

The presently claimed invention recites the following:

> A method for examining a sample containing cancer cells, comprising:
>
> contacting a sample comprising at least one type of ***smoldering adult T cell leukemia cells*** separated from a body with magnetic beads ***utilizing antigen-antibody reaction between said cancer cells and an anti-SF-25 antibody or antigen-binding fragment thereof,*** then
>
> collecting said magnetic beads by magnetic force to collect cells bound to said magnetic beads, and
>
> examining said collected cancer cells which are bound to said magnetic beads, wherein cell binding to the magnetic beads is indicative of a cancer cell that expresses SF-25 antigen. (emphasis added)

As the Examiner acknowledges, Park does not teach or suggest the use of SF-25. None of the secondary references (i.e., Wands, Suzuki or Takemoto) disclose or suggest that SF-25 can be a marker of smoldering adult T cell leukemia (ATL). Applicants were the first to discover that a substantial percentage of mononuclear cells from smoldering adult T cell leukemia patients express SF-25 antigen, so that the smoldering ATL can be diagnosed by utilizing the expression of SF-25 as an index.

ATL develops through the smoldering stage. Smoldering ATL manifests no clinical symptoms, thus it cannot be diagnosed on the basis of the clinical symptoms. Moreover, since the percentage of transformed T cells in the blood in smoldering ATL is very small, it is also difficult to detect smoldering ATL by blood tests. However, if smoldering ATL can be diagnosed, there is a therapeutic method for smoldering ATL by which smoldering ATL can be cured. Therefore, there is a strong demand for providing a method for detecting smoldering ATL.

Since none of the cited prior art references disclose that mononuclear cells of smoldering ATL express SF-25 antigen, Applicants respectfully submit that the presently claimed invention is non-obvious over the cited prior art, individually or taken together. Reconsideration and withdrawal of the outstanding rejection are respectfully requested.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: November 12, 2008

Respectfully submitted,

By _____
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant